IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 792 OF 2006

Shri Suresh Shantaram Shilavane ...Applicant.

V/s

The State of Maharashtra
(At the instance of Lonawala,
Rural Police Station, Pune) ...Respondent.

Mr. Manoj J. Bhatt for the applicant.
Ms. Rajeshree M. Gadhvi, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 16th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 15/10/2005 in connection with C.R No.1-77/2005 registered at Lonawala Rural Police Station for the offence punishable under section 376, 323 and 506 of the Indian Penal Code.

3. It is the case of the prosecution that the applicant had committed rape on the prosecutrix who is a married lady having two children while she had gone to the Jungle for grazing her cattle. The medical evidence reveals that there are no injuries on the

person of the prosecutrix. The charge-sheet has been filed and the investigation is completed. The Sessions Court has observed that there is a possibility that the applicant may tamper with the evidence since his brother is a sarpanch in the village.

4. In my view, since the trial is not likely to commence for some time, the applicant may be released on bail subject to certain stringent conditions being imposed by this Court.

5. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount on the following conditions:-

(i) The applicant shall not enter the village Apti where the prosecutrix is residing and also the jurisdiction of the Lonawala Rural Police Station till the disposal of the case.

(ii) The applicant shall give his new address to the Jail Superintendent before his release and shall report to the nearest Police Station from his new address twice in a month.

(iii) The applicant or any of his relatives shall not threaten any of the eye witnesses.

(iv) If any complaint is received by the Investigating Officer from any of the witnesses that the applicant or his relatives have tried to threaten them, the Public Prosecutor is at liberty to apply for cancellation of bail.

6. Hearing of the case is expedited.

7. Application is disposed of in the above terms.

V.M. KANADE, J.